

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

MAY 17 2002

PATRICK FISHER
Clerk

NELSON LASH AKINMULERO,

Petitioner-Appellant,

v.

IMMIGRATION &
NATURALIZATION SERVICE,

Respondent-Appellee.

No. 02-9530
(INS No. A91299075)
(Petition for Review)

ORDER AND JUDGMENT*

Before **SEYMOUR, LUCERO, and MURPHY**, Circuit Judges.

This panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

This matter comes before the court on petitioner Nelson Lash Akinmulero's petition for review and request for stay pending review. Mr. Akinmulero seeks review of the April 17, 2002 order of the Board of Immigration Appeals (BIA) dismissing his appeal of the immigration judge's July 1, 1999 decision finding him removable and denying his application for cancellation of removal. The BIA concluded that Mr. Akinmulero had not established that his removal would cause exceptional and extremely unusual hardship to his daughter.

Having reviewed the materials presented to us, we conclude that this court does not have jurisdiction over this matter. A determination by the BIA that one seeking suspension of a deportation order has not shown "extreme hardship" is a discretionary decision that this court may not review. 8 U.S.C.

§ 1252(a)(2)(B)(ii); *Escalera v. INS*, 222 F.3d 753, 755 (10th Cir. 2000).

Accordingly, the petition for review is DISMISSED, and the motion to stay is DENIED as moot.

Entered for the Court
PER CURIAM